

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

LEROY DORSEY,

Plaintiff,

**9:09-cv-1011
(GLS/DEP)**

v.

DALE ARTUS et al.,

Defendants.

APPEARANCES:

OF COUNSEL:

FOR THE PLAINTIFF:

Leroy Dorsey
Pro Se
97-A-3442
Elmira Correctional Facility
P.O. Box 500
Elmira, NY 14902

FOR THE DEFENDANTS:

HON. ERIC T. SCHNEIDERMAN
New York State Attorney General
The Capitol
Albany, NY 12224

ADELE M. TAYLOR-SCOTT
Assistant Attorney General

**Gary L. Sharpe
Chief Judge**

MEMORANDUM-DECISION AND ORDER

I. Introduction

Plaintiff *pro se* Leroy Dorsey commenced this action against a host of

defendants—all of whom have since been dismissed with the exception of Dale Artus, Superintendent of Clinton Correctional Facility and various John and Jane Does—pursuant to 42 U.S.C. § 1983, alleging the deprivation of his civil rights. (Am. Compl., Dkt. No. 17.) Dorsey’s only remaining causes of action involve his claim that the Doe defendants, in two separate incidents, were deliberately indifferent to serious medical needs in violation of the Eighth Amendment. (Dkt. No. 31.) Pending before the court are cross motions for summary judgment, and two motions for preliminary injunctive relief sought by Dorsey. (Dkt. Nos. 78, 84, 86, 93.) In a Report-Recommendation and Order (R&R) dated September 3, 2013, Magistrate Judge David E. Peebles recommended that defendants’ motion for summary judgment be granted, and Dorsey’s summary judgment motion be denied, along with his motions seeking preliminary injunctions. (R&R, Dkt. No. 97.) For the reasons that follow, the R&R is adopted in its entirety.

II. Background

Dorsey, an inmate in the custody of the New York State Department of Corrections and Community Supervision, was housed in Clinton Correctional Facility at the time relevant to this action. (See *generally* Dkt.

No. 17.) Dorsey contends that four Doe defendants denied him access to certain medical equipment and his daily medication, and that two other Doe defendants refused him medical attention when, after eating breakfast one morning, his face and mouth swelled. (*Id.* at 8, 10.)

III. Standard of Review

Before entering final judgment, this court routinely reviews all report and recommendation orders in cases it has referred to a magistrate judge. If a party has objected to specific elements of the magistrate judge's findings and recommendations, this court reviews those findings and recommendations *de novo*. See *Almonte v. N.Y. State Div. of Parole*, No. 04-cv-484, 2006 WL 149049, at *6–7 (N.D.N.Y. Jan. 18, 2006). In those cases where no party has filed an objection, or only a vague or general objection has been filed, this court reviews the findings and recommendations of the magistrate judge for clear error.¹ See *id.*

IV. Discussion

Dorsey only generically objects to the R&R, claiming that he is an

¹ “[A] report is clearly erroneous if the court determines that there is a mistake of fact or law which is obvious and affects substantial rights.” *Almonte*, 2006 WL 149049, at *6.

“indigent plaintiff whose rights [were] violated, and the defendants get to hide behind lawyers, plus get away with violating the [Eighth A]mendment.” (Dkt. No. 98 at 1.) This “objection” is general and triggers review for clear error. See *Almonte*, 2006 WL 149049, at *6. Having thoroughly reviewed the R&R, the court finds no clear error in Judge Peebles’ recommendations on the pending motions, and adopts it in its entirety.

V. Conclusion

WHEREFORE, for the foregoing reasons, it is hereby

ORDERED that Magistrate Judge David E. Peebles’ Report-Recommendation and Order (Dkt. No. 97) is **ADOPTED** in its entirety; and it is further

ORDERED that Dorsey’s motions for a preliminary injunction (Dkt. Nos. 78, 84) are **DENIED**; and it is further

ORDERED that Dorsey’s motion for summary judgment (Dkt. No. 93) is **DENIED**; and it is further

ORDERED that defendants’ motion for summary judgment (Dkt. No. 86) is **GRANTED**; and it is further

ORDERED that Dorsey’s amended complaint (Dkt. No. 17) is **DISMISSED**; and it is further

ORDERED that the Clerk close this case; and it is further

ORDERED that the Clerk provide a copy of this Memorandum-
Decision and Order to the parties.

IT IS SO ORDERED.

September 30, 2013
Albany, New York



Gary L. Sharpe
Chief Judge
U.S. District Court